

**SUPREME COURT MINUTES
WEDNESDAY, NOVEMBER 17, 2004
SAN FRANCISCO, CALIFORNIA**

S099231

BOLDEN (CLIFFORD) ON H.C.
Order to show cause issued

The Director of the Department of Corrections is ordered to show cause in this court, when the matter is placed on calendar, why the penalty verdict should not be set aside on the ground of ineffective assistance of trial counsel for failure to specifically inquire on voir dire about prior acquaintance with the victim, as alleged in claim XI.K, and on the ground of juror misconduct by Jose Sarria in failing to disclose his prior relationship with the victim, in prejudging the penalty issue, and in failing or refusing to deliberate on penalty, as alleged in claim XIII.C.

The return is to be filed on or before December 17, 2004.

Brown, J., was absent and did not participate.
Votes: George, C.J., Kennard, Werdegarr, and Moreno, JJ.

S107508

VALDEZ (ALFREDO R.) ON H.C.
Order to show cause issued

The Director of the Department of Corrections is ordered to show cause in this court, when the matter is placed on calendar, why the relief prayed for should not be granted on the grounds that trial counsel rendered ineffective assistance of counsel, as alleged in Claim IV, subclaims A, B, H, and I, of the petition for writ of habeas corpus filed June 14, 2002. The return shall be filed on or before December 17, 2004.

Kennard, J., would also issue an order to show cause in Claim IV, subclaim E, section 3.

Brown, J., was absent and did not participate.
Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin and Moreno, JJ.

S127439

H025526 Sixth Appellate District

CORTINAS (JAVIER O.) ON H.C.

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *In re Dannenberg*, S111029 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Brown, J., was absent and did not participate.
Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin and Moreno, JJ.

S128417D042215 Fourth Appellate District,
Division One

PEOPLE v. OCHOA

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182 and *People v. Cage*, S127344 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Brown, J., was absent and did not participate.
Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, and Moreno, JJ.

S126530

FONSECA (FRANCISCO) ON H.C.

OSC issued, returnable in Superior Court

The Director of the Department of Corrections is ordered to show cause before the Los Angeles County Superior Court, when the matter is ordered on calendar, why petitioner is not entitled to relief on the grounds that the prosecutor failed to disclose evidence favorable to the accused, as alleged in Ground Four of the

petition for writ of habeas corpus filed July 23, 2004. The return is to be filed on or before December 17, 2004.

The superior court is advised that this court issued an order to show cause returnable before the Los Angeles County Superior Court in the related matter of *In re Renaldo Rangel Cosio on Habeas Corpus* (S114882) on October 13, 2004.

Brown, J., was absent and did not participate.
Votes: George, C.J., Kennard, Baxter, Werdegar, and Moreno, JJ.

S018571

PEOPLE v. BROWN (PAUL M.)

Appeal abated

Respondent's "Motion to Abate Appeal," filed on November 4, 2004, is granted. A certified copy of a certificate of death dated April 21, 2004, and an amendment thereto dated April 26, 2004, indicate that appellant Paul Madison Brown died on April 10, 2004. All proceedings in *People v. Paul Madison Brown* (S018571) are permanently abated, and the Superior Court of Los Angeles County is directed to enter an order to that effect in its Case No. A642765. (*People v. Dail* (1943) 22 Cal.2d 642, 659; *People v. Bandy* (1963) 216 Cal.App.2d 458, 466.)

Brown, J., was absent and did not participate.

S117838

BROWN (PAUL M.) ON H.C.

Dismissed as moot

The petition for writ of habeas corpus, filed on July 28, 2003, is dismissed as moot.

Brown, J., was absent and did not participate.

S116713

B155137 Second Appellate District,
Division Eight

PEOPLE v. LODHIA

Dismissed per rule 29.3(b), and remanded to CA 2/8

Brown, J., was absent and did not participate.
Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, and Moreno, JJ.

S120337

C040513 Third Appellate District

PEOPLE v. MCDANIEL

Transferred to CA 3 after hold

The above-entitled matter is transferred to the Court of Appeal, Third Appellate District, with directions to vacate its decision and to reconsider the cause in light of *People v. Griffin* (2004) 33 Cal.4th 1015. (Cal. Rules of Court, rule 29.3(d).)

Brown, J., was absent and did not participate.
Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, and Moreno, JJ.

S103000

HALEY (KEVIN) ON H.C.

Petition for writ of habeas corpus denied

The petition for writ of habeas corpus, filed on December 18, 2001, is denied.

Claims 4-7, 10-17, 27 and 28, to the extent they concern asserted error at the guilt phase trial or assert invalidity of petitioner's convictions are denied on the merits.

Claims 1-3 and 7-28, to the extent they concern asserted error at the penalty phase trial or assert invalidity of the penalty judgment are dismissed as moot in light of the disposition of the appeal in this matter reversing the penalty judgment. (*People v. Haley* (2004) 34 Cal.4th 283, 309-312, 318.)

Brown, J., was absent and did not participate.

S127442A104121 First Appellate District,
Division Four

DIKES, (JAYSON WAYNE) ON H.C.

Petition for review denied

Brown, J., was absent and did not participate.

S127500D042529 Fourth Appellate District,
Division OneRINCON DEL DIABLO MUNICIPAL WATER DIST.
v. SAN DIEGO COUNTY WATER AUTHORITY
Petition for review denied

Brown, J., was absent and did not participate.

S127548

B173014 Second Appellate District,
Division Two

BREN v. BREN

Petitions for review denied

Brown, J., was absent and did not participate.

S127578

B177270 Second Appellate District,
Division One

HATCHER (VINCENT) ON H.C.

Petition for review denied

Brown, J., was absent and did not participate.

S127619

B176259 Second Appellate District,
Division Three

JIMENEZ (CARLOS) ON H.C.

Petition for review denied

Brown, J., was absent and did not participate.

S127631

B177258 Second Appellate District,
Division One

CLEVELAND (CLARENCE) ON H.C.

Petition for review denied

Brown, J., was absent and did not participate.

S127666

F043819 Fifth Appellate District

PEOPLE v. TATE

Petition for review denied

Brown, J., was absent and did not participate.

S127679

B168985 Second Appellate District,
Division Seven

PEOPLE v. GARCIA

Petitions for review denied

Brown, J., was absent and did not participate.

S127683

B176762 Second Appellate District,
Division Two

COBOS (TONY) ON H.C.

Petition for review denied

Brown, J., was absent and did not participate.

S127763

B177567 Second Appellate District,
Division Seven

PAPPAS (PHILLIP) ON H.C.

Petition for review denied

Brown, J., was absent and did not participate.

S127788

B169540 Second Appellate District,
Division Two

KRAMER v. INTUIT, INC.
Petition for review denied

Brown, J., was absent and did not participate.

S127808

B159163 Second Appellate District,
B162829 Division One
B163456

STASZ v. CHARLES R. SCHWAB
Petition for review & depublication request denied

Brown, J., was absent and did not participate.

S127817

A107190 First Appellate District,
Division One

BIGGS (JEFFREY) ON H.C.
Petition for review denied

Brown, J., was absent and did not participate.

S127887

F043575 Fifth Appellate District

PEOPLE v. VASQUEZ
Petition for review denied

Brown, J., was absent and did not participate.

S127888

D043005 Fourth Appellate District,
Division One

PEOPLE v. FLORES
Petition for review & publication request denied

Kennard, J., is of the opinion the petition should
be granted.

Brown, J., was absent and did not participate.

S127901

B160212 Second Appellate District,
Division Eight

PEOPLE v. RODRIGUEZ
Petitions for review denied

Brown, J., was absent and did not participate.

S127948

G033454 Fourth Appellate District,
Division Three

CRUZ v. S.C. (ADVANCED OBGYN MEDICAL
Petition for review denied

Brown, J., was absent and did not participate.

S128007

B164534 Second Appellate District,
Division Two

PEOPLE v. JIMENEZ
Petition for review denied

Petition for review denied without prejudice to

any relief to which defendant might be entitled after this court decides *People v. Cage*, S127344.

Brown, J., was absent and did not participate.

S128029

B171508 Second Appellate District,
Division Five

PEOPLE v. WOOTEN

Petition for review denied

Brown, J., was absent and did not participate.

S128042

B168571 Second Appellate District,
Division Eight

PEOPLE v. JACOBS

Petition for review denied

Brown, J., was absent and did not participate.

S128051

E036569 Fourth Appellate District,
Division Two

MILLER (DALE) ON H.C.

Petition for review denied

Brown, J., was absent and did not participate.

S128071

B166764 Second Appellate District,
Division Five

MINK v. MACCABEE

Petition for review denied

Kennard, J., and Chin, J., are of the opinion the petition should be granted.

Brown, J., was absent and did not participate.

S128111

B168857 Second Appellate District,
Division Two

PEOPLE v. HARVEY

Petition for review denied

Brown, J., was absent and did not participate.

S128158

H026305 Sixth Appellate District
H026884

PEOPLE v. HOBBS

Petition for review denied

Brown, J., was absent and did not participate.

S128180

C043358 Third Appellate District
C043360

CAPERS v. NUNN

Petition for review denied

Brown, J., was absent and did not participate.

S128188

B165059 Second Appellate District,
Division Three

PEOPLE v. MARQUEZ
Petition for review denied

Brown, J., was absent and did not participate.

S128191

B158174 Second Appellate District,
Division Eight

SHEKHTER v. SENECA STRUCTURAL DESIGN
Petitions for review denied; CA opinion decertified

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed August 24, 2004, which appears at 121 Cal.App.4th 1055. (Cal. Const., art. VI, section 14; rule 976(c)(2), Cal. Rules of Court.)

Kennard, J., is of the opinion the petition should be granted.

Brown, J., was absent and did not participate.

S128245

B170324 Second Appellate District,
Division Six

CHUNG v. BANK OF AMERICA
Petition for review denied

Chin, J., was recused and did not participate.
Brown, J., was absent and did not participate.

S128353

C045021 Third Appellate District

SHARP CORONADO HOSPITAL v. BONTA
Petition for review denied

Request for judicial notice denied.
Respondent's motion to take evidence, filed October 4, 2004, is denied.

Brown, J., was absent and did not participate.

S128365

B172404 Second Appellate District,
Division One

MELCHIOR v. NEW LINE PRODUCTION INC.
Petition for review denied

Brown, J., was absent and did not participate.

S128366

E036564 Fourth Appellate District,
Division Two

SCALES v. S.C. (PEOPLE)
Petition for review denied

Brown, J., was absent and did not participate.

S128373

E033525 Fourth Appellate District,
Division Two

PEOPLE v. JACKSON

Petition for review denied

Brown, J., was absent and did not participate.

S128375

B169500 Second Appellate District,
Division One

PEOPLE v. SANCHEZ

Petition for review denied

Brown, J., was absent and did not participate.

S128377

H026150 Sixth Appellate District

PEOPLE v. MORENO

Petition for review denied

Brown, J., was absent and did not participate.

S128384

G032242 Fourth Appellate District,
G032406 Division Three

PEOPLE v. CASTANEDA

Petitions for review denied

Brown, J., was absent and did not participate.

S128403

B170437 Second Appellate District,
Division Two

PEOPLE v. GIBBS

Petition for review denied

Brown, J., was absent and did not participate.

S128404

B169231 Second Appellate District,
Division One

PEOPLE v. BUSHNELL

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___ 124 S.Ct. 2531, on California law.

Brown, J., was absent and did not participate.

S128406

B166603 Second Appellate District,
Division One

PEOPLE v. TODOROV

Petition for review denied

Brown, J., was absent and did not participate.

S128409
H025802 Sixth Appellate District

PEOPLE v. CANO
Petition for review denied

Brown, J., was absent and did not participate.

S128410
B168492 Second Appellate District,
Division Six

PEOPLE v. TERRY
Petition for review denied

Brown, J., was absent and did not participate.

S128411
B153549 Second Appellate District,
Division Six

PEOPLE v. CABRERA
Petition for review denied

Brown, J., was absent and did not participate.

S128413
E033505 Fourth Appellate District,
Division Two

PEOPLE v. PAYAN
Petition for review denied

Brown, J., was absent and did not participate.

S128415
F043814 Fifth Appellate District

PEOPLE v. JACKSON
Petition for review denied

Brown, J., was absent and did not participate.

S128420
F042081 Fifth Appellate District

PEOPLE v. MONROE
Petition for review denied

Brown, J., was absent and did not participate.

S128421
E034452 Fourth Appellate District,
Division Two

PEOPLE v. PEREZ
Petition for review denied

Brown, J., was absent and did not participate.

S128424
C044568 Third Appellate District

PEOPLE v. NEILSON
Petition for review denied

Brown, J., was absent and did not participate.

S128433

E036563 Fourth Appellate District,
Division Two

VICTORIANNE v. S.C. (PEOPLE)

Petition for review denied

Brown, J., was absent and did not participate.

S128434

D042091 Fourth Appellate District,
Division One

PEOPLE v. NORRIS

Petition for review denied

Brown, J., was absent and did not participate.

S128436

A102833 First Appellate District,
Division Two

PEOPLE v. BROWN

Petition for review denied

Brown, J., was absent and did not participate.

S128437

C043823 Third Appellate District

PEOPLE v. GONZALES

Petition for review denied

Brown, J., was absent and did not participate.

S128438

B172143 Second Appellate District,
Division Five

PEOPLE v. BANNAN

Petition for review denied

Brown, J., was absent and did not participate.

S128449

E034205 Fourth Appellate District,
Division Two

PEOPLE v. RODGERS

Petition for review denied

Brown, J., was absent and did not participate.

S128450

C044464 Third Appellate District

PEOPLE v. SOM

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___ 124 S.Ct. 2531, on California law.

Brown, J., was absent and did not participate.

S128454

A102069 First Appellate District,
Division Two

CONDON v. UNION OIL CO. OF CALIF
Petition for review denied

Brown, J., was absent and did not participate.

S128463

G032510 Fourth Appellate District,
G032511 Division Three

PEOPLE v. HOLLINS
Petition for review denied

Brown, J., was absent and did not participate.

S128464

B170752 Second Appellate District,
Division Five

PEOPLE v. AVILA
Petition for review denied

Brown, J., was absent and did not participate.

S128466

C044773 Third Appellate District

FRANCIS v. FRANCIS
Petition for review denied

Brown, J., was absent and did not participate.

S128468

B171529 Second Appellate District,
Division One

CLANCY v. COMCAST CORPORATION
Petition for review & publication request denied

Brown, J., was absent and did not participate.

S128472

E034757 Fourth Appellate District,
Division Two

M. (RONALD), IN RE
Petition for review denied

Brown, J., was absent and did not participate.

S128483

H026772 Sixth Appellate District

R. (JOSEPH JUAN), IN RE
Petition for review denied

Brown, J., was absent and did not participate.

S128484

B167092 Second Appellate District,
Division Seven

PEOPLE v. MITCHELL
Petition for review denied

Brown, J., was absent and did not participate.

S128485

D043105 Fourth Appellate District,
Division One

PEOPLE v. MORALES

Petition for review denied

Brown, J., was absent and did not participate.

S128486

B170630 Second Appellate District,
Division Five

PEOPLE v. GONZALEZ

Petition for review denied

Brown, J., was absent and did not participate.

S128488

A103017 First Appellate District,
Division Three

PEOPLE v. BROWN

Petition for review denied

Brown, J., was absent and did not participate.

S128490

C044641 Third Appellate District

PEOPLE v. ARREOLA

Petition for review denied

Brown, J., was absent and did not participate.

S128491

B168827 Second Appellate District,
Division One

CLANCY v. AT&T

Petition for review & publication request denied

Brown, J., was absent and did not participate.

S128492

H025810 Sixth Appellate District

PEOPLE v. VALENZUELA

Petition for review denied

Brown, J., was absent and did not participate.

S128495

C042638 Third Appellate District

PEOPLE v. WIRTH

Petition for review denied

Brown, J., was absent and did not participate.

S128509

E033598 Fourth Appellate District,
Division Two

PEOPLE v. BARNETT

Petition for review denied

Brown, J., was absent and did not participate.

S128511
F043691 Fifth Appellate District

PEOPLE v. BLACK
Petition for review denied

Brown, J., was absent and did not participate.

S128516
B170761 Second Appellate District,
Division Six

PEOPLE v. BENAVIDEZ
Petition for review denied

Brown, J., was absent and did not participate.

S128519
G033397 Fourth Appellate District,
G033851 Division Three

M. (JEREMY), IN RE
Petition for review denied

Brown, J., was absent and did not participate.

S128568
C043494 Third Appellate District

PEOPLE v. OROY
Petition for review denied

Brown, J., was absent and did not participate.

S128587
H026509 Sixth Appellate District

PEOPLE v. MARTINEZ
Petition for review denied

Brown, J., was absent and did not participate.

S128593
B167578 Second Appellate District,
Division Six

MILLER, MARRIAGE OF
Petition for review denied

Brown, J., was absent and did not participate.

S128620

CURRIE v. STATE OF CALIFORNIA
Petition for writ of mandate/prohibition denied

Brown, J., was absent and did not participate.

S128868
E035262 Fourth Appellate District,
Division Two

PEOPLE v. RIVERA
Application to transfer denied

Petition for transfer for decision DENIED. (Cal.
Rules of Court, rule 29.9.)

Brown, J., was absent and did not participate.

S129109

D044446 Fourth Appellate District,
Division One

BLACK HISTORICAL SOCIETY v. CA 4 (CITY)
Petition for writ of mandate/prohibition & stay denied

Brown, J., was absent and did not participate.

S129137

B178788 Second Appellate District,
Division Two

FONG v. S.C. (KAISER)
Petition for review and application for stay denied

Werdegarr, J., was recused and did not
participate.
Brown, J., was absent and did not participate.

S129192

F046630 Fifth Appellate District

CROW v. S.C. (PEOPLE)
Petition for review and application for stay denied.

Brown, J., was absent and did not participate.

S115764

HAWKINS (MYKEL) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S121970

LEWIS (JERRY) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S122001

WILLIAMS (ROBERT) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Brown, J., was absent and did not participate.

S122019

JIMINEZ (RICHARD) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S122035

SCOTT (DANNY K.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Brown, J., was absent and did not participate.

S122063

HUDSON (SHERMAN) ON H.C.
Petition for writ of habeas corpus denied

(See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)
Brown, J., was absent and did not participate.

S122073

COLLINS (ROBERT L.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S122082

DUNN (GLENN ALLEN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Brown, J., was absent and did not participate.

S122162

BODDIE (ALEXANDER) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S122180

ANDERSON (JULIUS C.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Brown, J., was absent and did not participate.

S122190

SMITH (JABAR) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S122191

BURRELL (ALFRED) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S122193

JOHNSON (ARMAH) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S122194

OATO (STANFORD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Brown, J., was absent and did not participate.

S122204

AMESQUITA (JUAN JOSE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Brown, J., was absent and did not participate.

S122208

VLASICH (STEVEN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Brown, J., was absent and did not participate.

S122218

HERNANDEZ (JESSE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Brown, J., was absent and did not participate.

S122229

MILLAN (GILBERTO) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S122233

JONES (WILLIAM F.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S122241

DOSS (HAYWARD) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S122242

JONES (TIMOTHY) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S122243

JOHNSON (KIRK E.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S122244

LARA (MANUEL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Brown, J., was absent and did not participate.

S122248

ROUTSON (JAMES L.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756; *In re Waltreus* (1965) 62 Cal.2d 218.)
Brown, J., was absent and did not participate.

S122249

MACKSON (JONATHAN L.) ON H.C.
Petition for writ of habeas corpus denied

(See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)
Brown, J., was absent and did not participate.

S122251

PALENZUELA (MIGUEL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756; *In re Waltreus* (1965) 62 Cal.2d 218.)
Brown, J., was absent and did not participate.

S122252

SAUCEDO (DAVID) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218.)
Brown, J., was absent and did not participate.

S122274

AYERS (ALFRED K.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Werdegar, J., and Chin, J., were recused and did not participate.
Brown, J., was absent and did not participate.

S122319

OBERG (GERALD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)
Brown, J., was absent and did not participate.

S122341

VALDEZ (MARIANO) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S122342

RANDLE (EARL) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S122426

JOHNSON (ARMAH) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124758

MACKSON (JONATHAN L.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S126464

BELTRAN (JOSE) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S126985

PALMER (MATTHEW EARL) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S128641

CALVIN (JAMES) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)
Brown, J., was absent and did not participate.

S128780

ETCHEVERRY (JOSEPH J.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S128805

MARTY (LOUIE D.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)
Brown, J., was absent and did not participate.

S127188

G032062 Fourth Appellate District,
Division Three

DEFEND THE BAY v. CITY OF IRVINE
(THE IRVINE CO.)
Depublication requests denied (case closed)

Brown, J., was absent and did not participate.

S127761

B159437 Second Appellate District,
Division One

COCHRAN v. TORY

Publication requests denied (case closed)

Brown, J., was absent and did not participate.

S128313

B175204 Second Appellate District,
Division Six

SANTA BARBARA, CITY OF v. S.C. (STENSON)

Depublication requests denied (case closed)

Brown, J., was absent and did not participate.

S128430

B166374 Second Appellate District,
Division One

CLANCY v. THE HOT NETWORK

Publication request denied (case closed)

Brown, J., was absent and did not participate.

S127904

G031636 Fourth Appellate District,
Division Three

BALBOA ISLAND VILLAGE v. LEMEN

Time extended to grant or deny review

to December 17, 2004.

S036864

PEOPLE v. GUERRA (JOSE F.)

Extension of time granted

to December 3, 2004 to file appellant's reply brief. Extension is granted based upon Deputy State Public Defender Arnold Erickson's representation that he anticipates filing that brief by 12/3/2004. After that date, no further extension will be granted.

S041008

PEOPLE v. HOYOS (JAIME A.)

Extension of time granted

to January 18, 2005 to file respondent's brief. After that date, only one further extension totaling about 60 additional days will be granted. Extension is granted based upon Deputy Attorney General Anthony Da Silva's representation that he anticipates filing that brief by 3/15/2005.

S055528

PEOPLE v. BARNWELL (LAMAR)
Extension of time granted

to January 21, 2005 to file respondent's brief.

S058528

MIRANDA (ADAM) ON H.C.
Extension of time granted

to December 20, 2004 to file petitioner's response to respondent's exceptions to the referee's report and brief on the merits. After that date, no further extension will be granted.

S078404

PEOPLE v. BRADY (ROGER H.)
Extension of time granted

to January 3, 2005 to file appellant's opening brief. After that date, no further extension will be granted. Extension is granted based upon counsel Susan K. Marr's representation that she anticipates filing that brief by 12/31/2004.

S121015

PICKENS (RAYMOND ERIC) ON H.C.
Extension of time granted

to January 14, 2005 to file Attorney General's informal response.

S125276

HINTON (ERIC LAMONT) ON H.C.
Extension of time granted

to December 17, 2004 to file the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling 30 additional days is contemplated. Extension is granted based upon Deputy Attorney General Gary A. Lieberman's representation that he anticipates filing that document by 1/16/2005.

S126412A101630 First Appellate District,
Division Four

PRIEBE v. NELSON

Extension of time granted

for respondent to file the answer brief on the merits to December 15, 2004. No further extensions of time are contemplated.

S126851

LENART (THOMAS) ON H.C.

Extension of time granted

to December 22, 2004 to file the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling about 30 additional days will be granted. Extension is granted based upon Deputy Attorney General Susan Rankin Bunting's representation that she anticipates filing that document by 1/24/2005.

S020378

PEOPLE v. ANDERSON (JAMES PHILLIP)

Motion for access to sealed record granted

Good cause appearing, the "Application for Release of Files, Records, and Any Confidential Materials," filed on September 28, 2004, is granted. Counsel is granted access to the confidential materials in *People v. James Phillip Anderson* (S004298); *People v. James Phillip Anderson* (S020378); *In re Anderson on Habeas Corpus* (S065487); and *In re Anderson on Habeas Corpus* (S066574). Counsel must supply the personnel and equipment necessary to undertake this review and copying of the records, which must occur on the premises of the court.

Brown, J., was absent and did not participate.

S127641A104078 First Appellate District,
Division Four

FRYE v. TENDERLOIN HOUSING

Order filed

Justice Werdegar recused herself from participating in the order granting review in this case, filed on November 10, 2004. Upon further opportunity to examine the materials filed in

this court, and having concluded that there is no basis that requires her further recusal in this matter, Justice Werdegarr will participate in all further proceedings in this matter before this court.

S128255

B169144 Second Appellate District,
Division Two

PEOPLE v. JOHNSON
Order filed

The order filed on November 10, 2004, denying the petition for review is modified as to the Court of Appeal number.

S129039

ALVARADO v. S.C. (PEOPLE)
Transferred to CA 1

The above-entitled matter is transferred to the Court of Appeal, First Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition shall be denied.

S126962

IN THE MATTER OF THE SUSPENSION OF
ATTORNEYS FOR NONPAYMENT OF DUES
Order filed

Due to clerical error on the part of the State Bar of California, and good cause appearing, it is ordered that the order of suspension for nonpayment of dues filed on August 27, 2004, effective September 16, 2004, be amended nunc pro tunc to strike the names of:

Sharon Elyse Peebles
Thomas Jack Spratt, Jr.

S088573

VODONICK ON DISCIPLINE
Probation revoked

Good cause having been shown, it is hereby ordered that probation in S088573 is revoked and reinstated on the same terms and conditions

as previously imposed, except it is ordered that **EMIL J. VODONICK, State Bar No. 6308**, must provide to the Office of Probation of the State Bar, within six months of the effective date of this order, satisfactory proof of attendance at a session of Ethics School, and passage of the test given at the end of that session as recommended by the Hearing Department of the State Bar Court in its order approving the stipulation herein, filed September 2, 2004. Costs are awarded to the State Bar and one-third of said costs are to be added to and become part of the membership fees for the years 2006, 2007 and 2008. (Business & Professions Code section 6086.10.)

S127385

KELLY ON DISCIPLINE
Recommended discipline imposed

It is ordered that **MICHAEL EDWARD KELLY, State Bar No. 80255**, be suspended from the practice of law for two years and until he complies with all terms and conditions of the discipline imposed by the Arizona Supreme Court on October 29, 2003, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 45 days. **Michael Edward Kelly** is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed May 3, 2004, as modified by its order filed June 29, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S127386

NOBLE ON DISCIPLINE

Recommended discipline imposed

It is ordered that **JOHN ROBERT NOBLE, State Bar No. 87153**, be suspended from the practice of law for two years and until he provides satisfactory proof of his payment of restitution and compliance with the fee arbitration conditions imposed in Case No. S118197, that execution of the suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for one year and until he provides satisfactory proof of his payment of restitution and compliance with the fee arbitration conditions imposed in Case No. S118197. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on July 12, 2004. It is also ordered that he take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S127393

TENNER ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that **ALVIN GILBERT TENNER, State Bar No. 37046**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that

rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S127396

AZDAIR ON DISCIPLINE

Recommended discipline imposed

It is ordered that **ARTHUR E. AZDAIR, State Bar No. 88945**, be suspended from the practice of law for one year and until he makes restitution to John Gaylord Marlette, attorney for the Estate of Paula Galloway (or the Client Security Fund, if appropriate) in the amount of \$7,500 plus 10% interest per annum from February 12, 2000; to James Deukmejian (or the Client Security Fund, if appropriate) in the amount of \$2,750 plus 10% interest per annum from March 20, 2001; to Peter Norrito (or the Client Security Fund, if appropriate) in the amount of \$2,500 plus 10% interest per annum from August 1, 2003, and furnishes satisfactory proof thereof to the Probation Unit of the State Bar no later than January 1, 2005, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including 30 days actual suspension, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on June 22, 2004. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. If respondent is actually suspended for 90 days or more, he is further ordered to comply with rule 955, California Rules of Court, and perform the

acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar and one-half of said costs must be added to and become part of the membership fees for the years 2005 and 2006. (Bus. & Prof. Code, § 6086.10.)

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S127397

BERGER ON DISCIPLINE

Recommended discipline imposed

It is ordered that **LAURA P. BERGER, State Bar No. 108045**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that she be actually suspended from the practice of law for 90 days and until she makes restitution to Shawn Luton (or the Client Security Fund, if appropriate) in the amount of \$3,500 plus 10% interest per annum from May 6, 2003, and furnishes satisfactory proof thereof to the Probation Unit of the State Bar, as recommended by the Hearing Department of the State Bar Court in its decision filed on May 19, 2004, as modified by its order filed June 23, 2004; and until the State Bar Court grants a motion to terminate her actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating her actual suspension. If respondent is actually suspended for two years or more, she must remain actually suspended until she provides proof to the satisfaction of the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of her actual suspension, whichever is longer. (See *Segretti v. State Bar*

(1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that respondent comply with rule 955 of the California Rules of Court, and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.
*(See Bus. & Prof. Code, § 6126, subd. (c).)

S127405**TAMBORIN ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **DENNIS EUGENE TAMBORIN, State Bar No. 93007**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for 60 days as recommended by the Hearing Department of the State Bar Court in its decision filed on July 8, 2004; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he will remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of respondent's actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If respondent is actually suspended for 90 days or more, it is further ordered that he comply with rule 955 of the

California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S127407

SCHURMER ON DISCIPLINE

Recommended discipline imposed

It is ordered that **ROBERT SCOTT SCHURMER, State Bar No. 33642**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on June 7, 2004, as modified by order filed on July 12, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S127408

FLORES ON DISCIPLINE

Recommended discipline imposed

It is ordered that **SCOTT J. FLORES, State Bar No. 159494**, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed July 14, 2004. It is

further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in equal installments for membership years 2005, 2006 and 2007.

S127582

AMUNDSON ON DISCIPLINE
Recommended discipline imposed

It is ordered that **WESLEY EARL AMUNDSON, State Bar No. 201353**, be suspended from the practice of law for 2 years and until he provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct; and until he makes restitution to Nellie Jones (or the Client Security Fund, if appropriate) in the amount of \$56,000 plus 10% interest per annum from April 10, 1999, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel, that execution of the suspension be stayed, and that he be placed on probation for five years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on July 14, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S127584

GANOR ON DISCIPLINE
Recommended discipline imposed

It is ordered that **GABRIEL SCOTT GANOR, State Bar No. 189909**, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended from the practice of law for one year. **Gabriel Scott Ganor** is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on June 3, 2004, as modified by its order filed August 4, 2004. Costs are awarded to the State Bar and one-third of said costs must be added to and become part of the membership fees for the years 2005, 2006 and 2007. (Bus. & Prof. Code section 6086.10.)

S127589

SUCKLING ON DISCIPLINE
Recommended discipline imposed: disbarred

It is hereby ordered that **JOHN ROBERT SUCKLING, State Bar No. 24918**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.
*(See Bus. & Prof. Code, § 6126, subd. (c).)

S127590

SEKHON ON DISCIPLINE
Recommended discipline imposed

It is ordered that **JAGDIP SEKHON, State Bar No. 170324**, be suspended from the

practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on July 20, 2004. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S127399**DEL PRIORE ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **DANIEL RAYMOND DEL PRIORE, State Bar No. 52321**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S128995**REES ON RESIGNATION**

The voluntary resignation of **ELIZABETH REES, State Bar No. 196138**, as a member of the State Bar of California is accepted

S128996**THOMASON ON RESIGNATION**

The voluntary resignation of **NEIL AUSTIN THOMASON, State Bar No. 75135**, as a member of the State Bar of California is accepted.

S128997

FINFROCK ON RESIGNATION

The voluntary resignation of **JUDITH ELLEN FINFROCK, State Bar No. 118223**, as a member of the State Bar of California is accepted.

Bar Misc. 4186

**IN THE MATTER OF THE APPLICATION OF THE
COMMITTEE OF BAR EXAMINERS OF THE
STATE BAR OF CALIFORNIA FOR ADMISSION
OF ATTORNEYS**

2 Orders filed (for Motions #s 632 & 633)

The written motion of the Committee of Bar
Examiners that the following named
applicants, who have fulfilled the
requirements for admission to practice law
in the State of California, be admitted to the
practice of law in this state is hereby
granted, with permission to the applicants to
take the oath before a competent officer at
another time and place:
(LIST OF NAMES ATTACHED TO
ORIGINAL ORDER)

